

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

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v.

**Case No. 4:22-cr-612**

**CONSTANTINESCU, et al.**

**The Honorable Andrew S. Hanen**

**Defendants.**

§

**United States’ Response in Opposition to Defendant Constantinescu’s Motion for Extension**

The United States, by and through undersigned counsel, opposes Defendant’s belated request for an extension of the expert disclosure deadline because Defendant has not demonstrated good cause for his failure to comply with the Court’s Amended Scheduling Order (ECF No. 254), and an extension would be prejudicial and disrupt these proceedings. Defendant has had the necessary information *for months* to prepare a report, let alone *hire* an expert, and apparently has failed to do so. This gamesmanship should be denied.

The United States produced the trading and social media records—the pillars of this case—in January 2023. The United States made clear at the March 14, 2023 hearing that it would be hiring a witness to analyze and testify to the trading and social media records. On March 31, 2023, the United States voluntarily identified specific at-issue trading sequences. At that point, Defendants’ expert work could have begun in earnest, and before that on substantive counts.

On April 27, 2023, the Court issued the Amended Scheduling Order setting the deadlines in this case, with which the United States has worked diligently to comply. (ECF No. 254.) In accordance with that Order, on June 15, 2023, the United States produced its reports and identified the specific at-issue trading sequences for trial. On August 11, 2023, the United States duly filed its exhibit list in accordance with the Court’s Order. On August 12, 2023 (Saturday), the United

States sent to each Defendant via FedEx a courtesy copy of its trial exhibits. Defendant Constantinescu again seeks to malign the United States' good-faith efforts by attempting to draw a false equivalency with his disregard for the Court's Scheduling Order. (*See, e.g.*, ECF No. 355 at 2 (claiming somehow that the United States "belatedly" produced its trial exhibits).)

Indeed, at the April 12, 2023 hearing, the Court said in no uncertain terms: "Right now I'm leaving the October trial date where it is. And Mr. Ford, that may mean some late nights for you; but I'm still leaving it where it is." (Apr. 12, 2023 Hr'g Tr. at 60:11–14.) Instead of respecting the Court's Scheduling Order and advice, Defendant seeks to litigate this case on his own schedule.

Moreover, Defendant continues to engage in slights of hand in bids to help himself. For example, the United States' trial exhibits are not comprised of materials "the government did not previously produce to the defense" as Defendant claims. (ECF No. 355 at 2.) On August 17 and 18, undersigned counsel repeatedly reached out to counsel for Defendant Constantinescu for more information about these supposed documents. On August 18, counsel for Defendant Constantinescu said she was leaving for the airport to travel out of the country and would "try" to connect next week.

The United States' exhibits are materials—and summaries thereof—from information that has been in Defendants' possession for *months*. There is no excuse for Defendant just now—two days after the expert *disclosure was due*—to raise for the first time he has yet to *hire* an expert, let alone prepare a disclosure, and to request an extension of time to do so.

Defendant has not articulated good cause for an extension and the requested extension would be prejudicial, with Defendants' exhibits due August 25 and motions *in limine* due on September 13. The United States respectfully defers to the Court's judgment and stands ready to proceed to trial on October 23.

Dated: August 18, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2023, I will cause the foregoing brief to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide copies to counsel for all parties.

*/s/ John J. Liolos*

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